UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,747	09/19/2003	Arnold J. Gum	030158	6972

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/665,747	GUM ET AL.
	Examiner	Art Unit	
	PHUOC H. DOAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 May 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9,11-32,34-42 and 44-49</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9,11-32,34-42 and 44-49</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 05/09/06 have been fully considered but they are

not persuasive.

Applicant's remarks: Forrester fails to describe any non position

information and fails to describe displaying such non position information

data.

Examiner's response: in combine of Forrester and Blight, Blight discloses

non position information and displaying such non position information data

(page 2, par. [0031]; page 3, par. [0046], [0083] "user device able to display

in the display with information such as building location; graphics map that

support for non position information data". See (explanation on the

applicant's specification on page 10-11).

Applicant' remarks: the cited references fail to describe or suggest any

acceptable error range associated with position determination based on GPS

satellites and fail to describe or suggest any acceptable error range for

position determination based on communication signals from base

transceiver station.

Examiner's response: in combine of Forrester and Blight, Blight discloses

any acceptable error range associated with position determination based on

GPS satellites and any acceptable error range for position determination

based on communication signals from base transceiver station (page 4, par.

[0089-0106]).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims **1-13, 15-18, 20-26, and 28-49** are rejected under 35 U.S.C. 103(a) as

being unpatentable over **Forrester (US Pub No: 2003/0134646)** in view of **Blight**

(US Pub No: 2002/0184418).

As to claim 1, 29, 40, Forrester discloses a position determination system

comprising (Fig. 1): a wireless computer network transceiver configured to

communicate with a network wireless access point (col. 1 through col. 2, par.

[0015-0016]), the transceiver receiving data from the access point (col. 2, par.

[0017]); and a display to display data based on the determined position (col. 2, par.

[0021-0022]). However, Forrester does not disclose a mobile device communicated directly to Wireless Access Point, a display to display <u>non position information</u> data based on the determined position.

In the same invention, Blight discloses a mobile device communicated directly to Wireless Access Point (Fig. 1, col. 2, par. [0033]), a display to display <u>non position information</u> data based on the determined position (page 2, par. [0031]; page 3, par. [0046], [0083]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the WLAN in wireless communication as taught by Blight to the system of Forrester in order to addition a bandwidth of WLAN in reduced the traffic of GPS networks.

As to claim 2, 30, Forrester further discloses the system of claim 1 wherein the wireless computer network transceiver and the display are incorporated into a portable device and the position determining entity is located remote from the portable device (col. 2, par. [0022]).

As to claim 3, 23, 31, 41, Blight further discloses the system of claim 1 wherein the wireless computer network transceiver is configured for operation in accordance with IEEE 802.11 wireless network standards (col. 2, par. [0035]).

As to claim 4, 24, 32, 42, Forrester further discloses the system of claim 1 wherein the displayed data based on the determined position is position information (col. 2,

par. [0022], col. 3, par. [0025-0027]).

As to claim 5, Blight further discloses the system of claim 4 wherein the position

information is an address (col. 3, par. [0083] **"include a graphics map that is the**

data structure which contains the visual information about an area", and col.

5, par. [0119]).

As to claim 6, Blight further discloses the system of claim 1 wherein position data

related to a position of the wireless access point is stored in a management

information base as part of the wireless access point, the displayed data **"col. 2,**

par. [0031] display 114" based on the determined position being the position data

of the wireless access point (col. 2, par. [0034], col. 3, par. [0083]).

As to claim 7, Blight further discloses the system of claim 6 wherein the position

data is location data or an address of the wireless access point (col. 5, par. [0119]).

As to claim 8, Blight further discloses the system of claim 6 wherein the position

data further comprises a predicted range of the wireless access point (col. 5, par.

[0118], [0142]).

As to claim 9, Forrester further discloses the system of claim 1 wherein position

data related to a position of the wireless access point is determined by a remote

position determining entity (col. 2, par. [0022]), the displayed data based on the

determined position being position data of the wireless access point as determined

by the remote position determining entity (col. 2, par. [0022-0024]).

As to claim 25, Blight further discloses the system of claim 1 wherein the

displayed data based on the determined position is non position information (page

2, par. [0031]; page 3, par. [0046], [0083].

As to claim 11, 34, 44, Forrester further discloses the system of claim 10 wherein

the non position information is information related to a store located proximate the

determined position of the mobile communication device (col. 4, par. [0039]).

As to claim 12, 26, 35, 45, Blight further discloses the system of claim 1 wherein

the transceiver communicates a request to the wireless access point for non

position information based on the determined position of the mobile

communication device (col. 4, par. [0101-0106]).

As to claim 13, Blight further discloses the system of claim 12 wherein the non-

position information is a merchant identification associated with the wireless

access point (col. 2, par. [0035] "it sends a request to location server 270 accessible

through communications network 220").

As to claim 15, 36, 46, Forrester further discloses the system of claim 1, further

comprising a global positioning system (GPS) receiver to receive data from a

plurality of GPS satellites (col. 2, par. [0024]), the position determining entity

using the data received from the GPS satellites to determine the position of the

mobile communication device (col. 2, par. [0020-0021]).

As to claim 16, 37, 47, Forrester further discloses the system of claim 15 wherein

the position determining entity generates **a weighted combination "RF generated**

by weighted combination is inherently" of the data received from the GPS

satellites and data from the wireless access point to determine the position of the

mobile communication device (col. 2, par. [0020-0021]).

As to claim 17, 38, 48, Forrester further discloses the system of claim 1, further

comprising a wireless telephone receiver to receive communication signals from a

base transceiver station, the position determining entity using the communication

signals from the base transceiver station to determine the position of the mobile

communication device.

As to claim 18, 39, 49, Forrester further discloses the system of claim 17 wherein

the position determining entity generates a weighted combination **"RF generated**

by weighted combination is inherently"of the communication signals from the

base transceiver station and data from the wireless access point to determine the

position of the mobile communication device (col. 1 through col. 2, par. [0015-

0019]).

As to claim 20, 28, Forrester discloses a position determination system

comprising: a global positioning system (GPS) receiver **"Fig. 2"** to receive data

from a plurality of GPS satellites **"Fig. 1, item 104"** (col. 3, par. [0025]); a

wireless telephone receiver to receive communication signals from a base

transceiver station (col. 1, par. [0015]); a wireless computer network transceiver

configured to communicate with a network wireless access point (col. 2, par.

[0016-0018]), the transceiver receiving data from the access point (col. 2, par.

[0016-0017]); and a position determining entity to determine the position of the

mobile communication device based on the data received from the GPS satellites

(col. 2, par. [0020-0024]), the communication signals from the base transceiver

station, if available with an acceptable error range, and the data received from the

network wireless access point (col. 3 through col. 4, par. [0033-0036]. However,

Forrester does not disclose a mobile device communicated directly to Wireless

Access Point; if available with an acceptable error range and the data received

from the network wireless access point.

In the same invention, Blight discloses a mobile device communicated directly to

Wireless Access Point (Fig. 1, col. 2, par. [0033]), if available with an acceptable

error range and the data received from the network wireless access point (page 4,

par. [0089-0106]). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to provide the WLAN in wireless

communication as taught by Blight to the system of Forrester in order to addition a

bandwidth of WLAN in reduced the traffic of GPS networks.

As to claim 21, Forrester further discloses the system of claim 20 wherein the

position determining entity generates a weighted combination of at least two

position data sources comprising data received from the GPS satellites (col. 2, par.

[0020]), the communication signals from the base transceiver station (col. 2, par.

[0018]), and the data received from the network wireless access point (col. 2, par.

[0016-0017]).

As to claim 22, Blight further discloses the system of claim 21 wherein the

weighted combination of at least two position data sources is based on predicted

accuracy of the position data sources (col. 4, par. [0091]).

Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Forrester

in view of Blight as applied to claim 1 above, and further in view of **Pond (US**

Pub No: 2004/0030601).

As to claim 14, the combination of Forrester and Blight do not disclose wherein

the transceiver communicates a request to the wireless access point for sales

information or assistance in a store located proximate the determined position of

the mobile communication device.

zzz discloses wherein the transceiver communicates a request to the wireless

access point for sales information or assistance in a store located proximate the

determined position of the mobile communication device (col. 10, par. [0122]).

Therefore, it would have obvious to one of ordinary skill in the art at the time the

invention was made to provide a store located proximate as taught by Pond to the

system of Forrester and Blight in order to used proximity technology to

authenticated a network base transaction.

4.   Claim **19, 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Forrester in view of Blight as applied to claim 17 above, and further in view of

Gunnarsson (US Pub No: 2003/0118015).

As to claim 19, 27, the combination of Forrester and Blight do not disclose

wherein the wireless telephone receiver is configured for code division multiple

access (CDMA) operation and the communication signals from a base transceiver

station are CDMA pilot signals.

zzz discloses wherein the wireless telephone receiver is configured for code

division multiple access (CDMA) operation and the communication signals from a

base transceiver station are CDMA pilot signals (col. 1, par. [0013]). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention

was made to provide a base transceiver station are CDMA as taught by Gunnarsson

to the system of Forrester and Blight in order to has an option to used WLAN and

CDMA for wireless communication.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension

of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the

advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will

be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to PHUOC H. DOAN whose telephone number is

571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, GEORGE ENG can be reached on 571-272-7495. The fax

phone number for the organization where this application or proceeding is assigned

is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

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direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to

the automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

Phuoc Doan
05/26/06

GEORGE ENG
SUPERVISORY PATENT EXAMINER